

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

GABRIEL GONZALEZ,

Plaintiff,

v.

ROY P. MACHADO, et al.,

Defendants.

Case No. 17-cv-02203-LB

ORDER TO SHOW CAUSE

Re: ECF No. 42

The parties ostensibly settled their case in November and filed a notice of settlement in December.¹ On March 19, 2018, the parties jointly stated that the defendants had not signed the final settlement agreement or funded the settlement.² The court held a status hearing on March 29, 2018.³ The defendants did not appear at the hearing.⁴ On March 20, 2018, the court entered an order for the defendants to appear at a new hearing on April 19, 2018 and show cause why the settlement agreement had not been signed, why the agreed-upon settlement consideration had not

¹ Joint Notice of Settlement – ECF No. 25. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Joint Status Report – ECF No. 28 at 2.

³ See Minute Entry – ECF No. 34.

⁴ See *id.*

1 been delivered, and why the case should not be restored to the court's trial calendar.⁵ The
2 defendants' counsel, Michael David Welch, appeared at the April 19, 2018 hearing and stated that
3 he had lost contact with his clients.⁶ Mr. Welch asked for another month to try to get back into
4 contact with his clients and ascertain their status.⁷ On May 17, 2018, the parties filed a joint case-
5 management statement.⁸ The statement did not contain an update about whether Mr. Welch was in
6 contact with his clients and did not include the defendants' position on a number of the required
7 case-management topics.⁹ On May 18, 2018, the court asked the parties to re-file their statement
8 by May 21, 2018 at 3:00 p.m. with an update about whether Mr. Welch was in contact with his
9 clients.¹⁰ On May 21, 2018 at 5:16 p.m., the plaintiff, Gabriel Gonzalez, filed a status report
10 stating that he had received no communication from Mr. Welch (despite attempts to contact
11 him).¹¹ In light of the defendants' non-responsiveness, Mr. Gonzalez asked that the court enter an
12 order to show cause why the defendants' answer should not be stricken.¹²

13 The court sets a show-cause hearing for June 7, 2018 at 11:00 a.m. At that hearing, the
14 defendants and Mr. Welch must appear in person to address the status of this case and to show
15 cause why the settlement agreement has not been signed, why the agreed-upon settlement
16 consideration has not been delivered, and why the court should not strike the defendants' answer.¹³

17 **IT IS SO ORDERED.**

18 Dated: May 21, 2018



19 LAUREL BEELER
20 United States Magistrate Judge

21 _____
22 ⁵ Order to Show Cause – ECF No. 35.

23 ⁶ See Minute Entry – ECF No. 38.

24 ⁷ Apr. 19, 2018 Hr'g.

25 ⁸ Joint Case Mgmt. Statement – ECF No. 40.

26 ⁹ See *id.*

27 ¹⁰ Clerk's Notice – ECF No. 41.

28 ¹¹ Pl.'s Status Report – ECF No. 42.

¹² *Id.*

¹³ Answer – ECF No. 8.